

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

|                                                                                       |                                                                                                                                                                              |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jamis Melwood Johnson,<br>Plaintiff,<br>v.<br>United States of America,<br>Defendant. | <b>MEMORANDUM DECISION AND ORDER</b><br><b>Related Case: <i>United States v. Jamis Johnson</i>, Case No. 2:09-cr-133</b><br><br>Case No. 2:17-cv-813<br>Judge Clark Waddoups |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Prisoner and Petitioner Jamis Melwood Johnson filed a motion seeking to have his conviction overturned pursuant to 28 U.S.C. § 2255. The motion was signed on July 7, 2017, and docketed by the court on July 17, 2017. In the underlying case, the Tenth Circuit Court of Appeals entered judgment affirming the judgment of conviction on April 11, 2016.

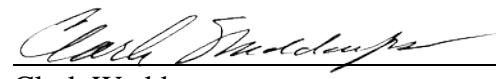
According to 28 U.S.C. § 2255(f) and Rule 3(c) of the Rules Governing Section 2255, a motion pursuant to § 2255 must be filed no later than one year after the latest of (1) the date judgment of conviction becomes final, (2) the date of removal of an unconstitutional or unlawful impediment to filing, (3) the date the Supreme Court recognizes the asserted right, or (4) the date new information could have been uncovered by due diligence. Here only the first and fourth options apply. Petitioner's judgment of conviction became final, when the Tenth Circuit entered its judgment on April 11, 2016 and the mandate issued on May 3, 2016. And while Petitioner alleges some new information, he provides no specific date from which the court can measure timeliness and instead refers to such new information as having been learned “[s]ubsequent to trial.” Therefore the court concludes the latest possible date upon which Petitioner's motion

could have been timely filed was April 11, 2017, almost three months before he filed the pending motion.

Based on the foregoing, by authority of 28 U.S.C. § 2255 and Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, the court DISMISSES Petitioner's motion and instructs the clerk of court to notify him of the dismissal.

DATED this 7<sup>th</sup> day of December, 2017.

BY THE COURT:



---

Clark Waddoups  
United States District Judge